car loans are sanctioned very easily. Cars loans are approved in less than 24 hours, but that is not the case with loans given to farmers, who have to walk long distances on foot to the nearest bank several times, before a loan is granted.

Moreover, rates of interest on urban housing loans are much less than the agricultural loans. Housing loans come at an average of 7.5 per cent, while farmers are presently paying an average of 9.5 per cent interest.

It is, therefore, necessary that whenever an area is declared as drought-affected, as is the case in many districts of Andhra Pradesh, interest on outstanding loans has to be waived. Thank you.

MR. DEPUTY CHAIRMAN: Shri Kripal Parmar; absent, Shri Sanjay Raut; absent, Dr. Chhattrapal Singh Lodha; absent, Shri Pyarelal Khandelwal; absent, Shri Ekanath K. Thakur; absent, Shriamati Savita Sharda; absent, Shrimati Sushma Swaraj; absent, Shri Kalraj Mishra; absent.

GOVERNMENT BILLS

The Drugs and Cosmetics (Amendment) Bill, 2005

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRIMATI PANABAKA LAKSHMI): Sir, I beg to move for leave to introduce a Bill further to amend the Drugs and Cosmetics Act, 1940.

The question was put and the motion was adopted.

SHRIMATI PANABAKA LAKSHMI: Sir, I introduce the Bill.–

The Private Security Agencies (Regulation) Bill, 2005

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): Sir, I beg to move:

> "That the Bill to provide for the regulation of private security agencies and for matters connected therewith or incidental thereto, be taken into consideration."

As the Members are aware, in recent years, there has been a proliferation of private security agencies in India. This is due to the expansion in the number of business establishments, growing incidents of crime and increasing demands for security. The resources of the Police are limited

and they cannot meet the demand for security services on the scale required. While private security agencies have helped meet the need of business establishments for security of their personnel and property, yet, there has been growing concern about their functioning; many of these agencies conduct their operations without consideration of proper standards, and if left unchecked, can have adverse security implications. There is also the danger of private security firm employees encroaching upon the duties of the Police by way of wearing uniforms, which resemble those of the Police and using weapons in an illegal manner. The Government proposes to introduce a legislation for regulating functioning of the private security agencies. As would be noticed, the main objectives of the Bill are to set proper norms for functioning of the Private Security Agencies in the country and also to bring uniformity, as far as possible, in regulations of Private Security Agencies. The salient features of the proposed legislation include *inter alia:* (a) Licence mandatory: No person shall engage in the business of Private Security Agency supply Security Guards unless he is a holder of a Private Security Agency licence issued by the Controlling Authority in accordance with the provisions of the Bill and the rules made thereunder. The licence will be valid for five years and is renewable. Any existing private security agency, which has been operating before the commencement of this Act, shall also obtain a licence and also ensure the required training to its security guards and supervisors within a period of one year from the date of such commencement. (b) Services by the private security agencies: The private security guards may be with or without arms and "armoured car service" can also be provided by the private security agencies for security of movement of Bank's cash and other valuables. As for the licensing authority, the State Governments shall designate an officer not below the rank of Joint Secretary in the Home Department of the State or an equivalent officer to be the controlling authority for the purpose of the Bill.

As regards the provision about persons not eligible for licence, a person shall not be considered for issue of licence under this Act if he has been convicted of an offence in connection with promotion, formation or management of a company, any fraud or misfeasance committed by him in relation to the company, including an undischarged insolvent; or, convicted by a competent court for an offence, the prescribed punishment for which is imprisonment for not less than two years; or, keeping links with any organisation or association, which is banned under any law on account of

1.00 P.M.

their activities, which pose threat to the national security, or, public order; or, there is uniform information about such person indulging in activities, which are prejudicial to national security, or public order; or, dismissed, or, removed from Government service on grounds of misconduct or moral turpitude.

A company, firm, or an association of persons shall not be considered for issue of company license under this Act if it is not registered in India; or, having a proprietor or a majority shareholder, a partner or an Director, who is not a citizen of India.

Coming to training, imparting of prescribed training to the security guards/ supervisor has been stipulated in the Bill. As for cancellation or suspension of licence, the licence can be cancelled/suspended by the controlling authority on the violation of the provisions of the Bill. However, opportunity will be given to the licence holder to present his case before the licence is cancelled.

As regards the appellate authority, the Bill provides for preferring appeal against refusal to grant licence and cancellation of licences. The Home Secretary of the State shall be the appellate authority. As for offences and penalties, penalty of fine/imprisonment have been provided in the event of the security agencies violating the provisions of this Bill.

Sir, I hope that the Private Security Agencies (Regulation) Bill, 2005, will be approved by all sections of the House. I commend this Bill for consideration and passing in this House.

The question was proposed.

MR. DEPUTY CHAIRMAN: The motion is moved; discussion and passing of this Bill would be taken up after lunch. The House stands adjourned to meet at 2.00 P.M.

The House then adjourned for lunch at three minutes past one of the clock.

The House re-assembled after lunch at two of the clock.

THE DEPUTY CHAIRMAN in the Chair.

SHRI PENUMALLI MADHU (Andhra Pradesh): Sir, when we are discussing this Private Security Agencies (Regulation) Bill, 2005, the

security scenario in India is riddled with a number of problems like communal violence, and persons from weaker sections and women are all threatened every day. Security is in danger. In this context, when we are discussing this Bill, it is important to consider the data that is available through some of the surveys undertaken. All over India, the number of people working in these agencies is growing everyday. In the State of Andhra Pradesh alone according to one estimate about three lakh people are working in private security agencies. All over India, it is estimated that about 60 lakh people are working, whether they are registered or unregistered under these agencies or otherwise. The number of people working in these private agencies is growing as the threat of terrorist violence, communal tension, factional vandalism, etc., is growing. Under these conditions, this Bill has got some importance. Sir, when we look at the reality all over India, and when we are trying to adopt this Bill, we have to take into account the experience that has been there all over the world. In a number of Government activities, the private participation is growing. This Bill, which we are trying to adopt, tries to regularise the private security agencies. This bill does not take the responsibility of any said security to the people of security personnel who are employed in the security agencies. Sir, today, in China or in Korea, the entire security, even to the private enterprises, is being provided by the State Police. Here, in India, privatisation of policing has been started some time back. Now, in a number of activities relating to security under the Police, private people are employed. Now, this Bill does not consider any measures that are required to be provided to the people working in the security agencies. Here, first of all, I submit that the main theme of the Bill should be that while we are trying to regularise the security agencies, we should also keep in our mind the security of the people who are involved in the security activities.

If that is not properly taken care of, it is very difficult to maintain the entire security system.

Sir, now I come to other aspect that are mentioned in this Bill. As far as the clause of eligibility to be a private security guard is concerned, here in this Bill, it is mentioned that preference should be given to the personnel of Army, Navy, Air Force, any other Armed Forces, Police including armed constables, and Home Guards. Preference is given to there sections only. Here, I submit that the unemployed youth who got trained should also get this opportunity. They should be given preference. This unemployed youth

is to be included along with those categories.

Sir, the second most important aspect that is provided in this Bill is cancellation and suspension of licence clause. It deals with cancellation and suspension of licences in clause 13 (1)(i). It is mentioned that in the schedule there are nine Acts. In these nine Acts, the payment of Wages Act, the Industrial Disputes Act, the Minimum Wages Act, the Provident Fund Act, the Contract Labour Act, the Gratuity Act, the Equal Remuneration Act, the Inter-State Migration of Workers Act, etc. are mentioned. I submit that there are some other Acts also that are to be mentioned and taken care of. If that is not taken care of, the entire security system cannot be properly maintained.

Sir, the Workmen compensation Act is one of the most important Acts that is not covered in this Bill. Sir, in Hyderabad and in number of places, I found that many guards who were on the duty at the ATM centres were killed and the workmen compensation was not provided. Sir, nowadays, the lives of the guards, who are posted as security personnel in the banks, or, in the money transportation, are at risk. So, the Workmen Compensation Act is one of the Acts that should come into being. Sir ESI is also not covered, and, similarly some of the other Act are not covered. So, my submission is that these aspects are to be covered in this Bill.

Now, I come to another important thing. Sir, in this Bill, in the Statement of Objects and Reasons, it is mentioned that private multinational security agencies are come into india and their branches are opened. But nothing is mentioned regarding the measures that should be taken when these multinational companies are establishing the security agencies and their branches. But no clause is proposed to safeguard security from multinational Security branches. Sir, the last aspect, which I would like to express through you, is this. In this Bill, the job security of the private personnel is not discussed. Nowadays, electricity department is privatising a number of activities. There, the problem is, those people who are under the private contractors, they are not implementing the directions of the Government, of acts. Thereby, the quality of work suffers very much. In the security area, it is most essential. Unless the job security of the security personnel is taken care of, the very purpose of security is questionable. Number two is, their wages are not mentioned. Number three, it is not mentioned what measures they are going to take when the security agencies don't implement

these nine Acts. So, if the security agencies do not implement the number of Acts that are there, there should be a clause wherein it will take some action against those security agencies. Another important thing which I would like to mention is this. What about the thousands of people who are working in those agencies if the licence of the security agencies is withdrawn because of the fault of the management? For the fault of the management-thousands and thousands of people are working in these agencies-the entire contingent working in those agencies, are put to difficulty; their livelihood is at stake. So, unless we take care of these things, this regulatory Bill will not achieve the objective. With these submission, I conclude, Sir. Thank You.

SHRI R.K. DHAWAN (Bihar): Sir, with your permission, I rise to support the Private Security Agencies Regulation Bill, 2005. At the outset, I would like to congratulate the Home Minister for having moved a Bill which is of great significance, and is on a very important subject. Sir, I would not like to go into the details about the necessity of having this Bill, because that is amply explicit in the statement of aims and objects, and has been explained in detail by the Home Minister. But still, Sir, I would like to touch briefly on some points and throw some sugestions. Sir, there is no denying the fact that in spite of the best efforts by the policy and the law-enforcing agencies, there has been increase in the crime rate. There is no doubt that every effort is being made by the State Governments and the Central Government to modernise the police force and to equip it with the modern devices, equipment and all that. But, still, the crime rate is not getting abetted. Threat to life, mushrooming growth of gangsters, reports of burglary, kidnapping, threats and all that have necessitated the need for having security guards. Sir, it has become a norm now to deploy security guards. We see uniformed security guards adorning various establishments, cinema-houses, halls, shops and all that.

Sir, private security guards are now being deployed in the croud management. Even on religious functions, private security guards can be seen. Sir, because of the inability of the Police to provide security everywhere to everyone, various resident welfare associations are also deploying private security guards. Various establishment, manufacturing units, corporate offices, and, in some cases, even individuals, are now running after private security guards. There are two reasons for this. One is the easy access to these private security agencies, which is not there

when we ask for security from the Police. The second is cheap rates at which they offer their services. Sir, it is often seen that these private security agencies are now becoming a support to law enforcement agencies. Sir, as I said earlier about the inability of Police, and as my friend said, the fact is that the private security guards industry is growing very rapidly. According to my estimates, or my information, I may be wrong, there are more than 5000 such agencies, employing lakhs of people. In Delhi itself, there are about 267 agencies, out of which only 150 are registered. So, when there is so much rapid growth of this private security guards industry, there is certainly a need for effective regulation to control their functioning. Assessment of their regulated growth is absolutely essential. Sir, even though the public is forced to deploy private security guards, there is an apprehension in their minds about the incompetence of the security guards, because they are not trained. They really do not know what is actually the requirement of the job. People from rural areas come to towns in search of employment, and these private security agencies deploy them on very meagre salaries. They do not provide uniformity in training to all these security guards. The security guards deployed by these private agencies lack awareness of the security arrangements. At times, Sir, they adopt lackadaisical approach, and some of them seem to be functioning in a state of lassitude. Sir, another worrisome dimension is the intrusion of anti-social elements in these organisations. Of course, we all know that such agencies are set up by retired defence or police officers, or certain officers, who had the privilege of dealing with the subject while being in service. Retired defence personnel find it an apt retirement profession to dabble in. Sir, I am sorry to say that in some cases we find that even dismissed employees, dismissed Governments servants, have barged into this sector. Because no licence is required and there is no check on them. Sir, there are instances of guards, deployed by these private security agencies, abetting crime. There were reports when security guards of a very prominent company were involved in the burglary, in the embezzlement of cash from the Reserve Bank of India. There were also instances, when it was found that armed guards, deployed by these agencies, had fake gun licences. Recently, there was a news-item that one of the very important agency, I would not like to name it, was involved in the fabrication of records of the guards deployed in a public sector undertaking. And they defrauded worth crores of rupees from where they were charging. So, these are the reasons. That is why an enactment of a codified law is absolutely essential

to control this issue because these associations have a nexus with the maintenance of law and order in this as well as detection of crime. Sir, compliment the Home Minister. He has explained in detail the manner in which a licence will be given, the conditions for granting a licence, the conditions for cancellation of licence and so many other things. I would not like to go into all these things in detail. Even, the condition of employment of security guard, especially mentioned in sub-clause 2 of Section 10 will have salutary effect. He has also mentioned the eligibility, ineligibility cancellation of licence, etc. Sir, the Bill spells out the eligibility of a licence, ineligibility of a licence, modalities for processing the application, etc. Sir, the Bill also provides strong statutory framework to the functioning of such private agencies and making them accountable to a suitable mandatory mechanism. Sir, the Bill empowers the State Government through a medium of controlling authority, to be appointed by the State Government. Sir, these are very laudable provision, but I have some suggestions to make.

Sir, I will first touch upon clause 4. It is a very good clause. Then comes, clause 5, which says, "an application for issue of a licence under this Act shall only be considered from a person after due verification of his antecedents." It is a very good clause. This will overcome the undersirable people jumping into the business, cheating the people and making money under the garb of private agencies. But, Sir, because the licence will be given after the verification of the antecedents, in the case of a company, there will be two, three or four directors and if one or two directors retires or leaves, there is no provision whether they will be forced to have the antecedents of that company also verified or not. It only provide that the licence will be issued after verification , but there is no provision as such that in case, there is a change in the directorhsip or proprietorship of that company, the antecedents will be reverified or not. What will be the status of that company? What will be the position of that company during that interim period? Sir, that is not there. Then, Sir, sub-clause (d) of section 6 says, "Dismissed or removed from Government service on grounds of misconduct or moral turpitude." Sir, does this include local bodies and PSUs? It only says, 'dismissed employees from Government'; local bodies and PSUs do not come under the purview of the Government as such, because in the Acts that have been mentioned, It's not mentioned whether the Local Bodies Act will also apply here. Then, Sir, in clause 7(2), there

is, "ensure the availability of the training for its private security guards." Of course, there is no mention here, but, I am sure, while framing the rules, care will be taken to fix the period of training. Training can be for one month, two months, three months or six months. There should be uniformity of training incumbent upon all the agencies to go through that. Sir, then, there is sub-clause (2) of clause 10, which say, "No person who has been convicted by a competent court or who has been dismissed or removed on grounds of misconduct or moral turpitude while serving in any of the armed forces of the Union, State Police Organisation, Central or State Governments or in any private security agency shall be employed or engaged as a private security guard or a supervisor. Sir, there is a catch here-while serving in any of the Armed Forces of the Union, State Police Organisation, Central or State Government or in any private security agency. Why the words 'security agency' have been mentioned? Why not 'any private firm'? What is the provision for that? If a person is dismissed for misconduct, embezzlement or anything from a private company, he will be entitled for a job. But if he is dismissed from a private agency, what would be his lot? that aspect also needs to be looked into. Then, a question which arises is, whether the PSUs are covered under this clause or not. The hon. Member, Shri Penumalli Madhu, was referring to sub-clause 3 of clause 10, that is, whether preference should be given to the unemployed you or not. Sir, all unemployed youth seek jobs. So, there cannot be a reservation or preference for unemployed youth. In the matter of providing employment, every youth is equal. What I want to suggest here is this. It should have been like this. Preference will be given to the Scheduled Castes, Scheduled Tribes and OBCs. That sub-clause should be inserted here.

Then, I come to a very important clause, that is, clause 13. It says: The Controlling Authority may cancel any licence...Sub-clause (h) of clause 13(1) says, 'that the licence holder is or has wilfully failed or refused to render the services agreed to anyperson.' I am sure, when the rules are framed, there should be a mention or there should be a rule that whenever a private agency offers services and all that, there should be a proper agreement. Otherwise, how will one decide that the person refused to provide the services? What will be the criteria of judging whether it has been done or not?

Now, I come to sub-clause (k) (iii) of clause 13(1). It says that when the private security guard or guards provided by the private security agency

were found habitually drunk or indisciplined, the licence will be cancelled. If a guard wants to sort out the enmity with the employer, then certainly, he will come drunk and he will indulge in indiscipline. So, on the basis of this, how can the misbehaviour of a guard or guards to sort out their enmity, to sort out their differences with the employer, their licence be cancelled? This needs to be looked into or elaborated. The same is the case with clause 13(1), sub-clause(k) (v) which says: Had connived or abetted a crime against the person or property placed under their charge. Here also, if a guard commits the mistake, if the guard commits this offence, how can the licence be cancelled? This sub-clause also needs to be looked into very carefully.

Now, I come to clause 16 It says: The Controlling Authority or any other officer authorised by it in this behalf may at any reasonable time, enter the premises of the private security agency and inspect and examine the place of business, the records, accounts and other documents connected with the licence and may take copy of any document. It is a very good clause, Check on the agencies is very essential. But, Sir, there are two catches. One is, we are empowering one nominated officer of the level of Joint Secretary to enter the premises of any agency. But there is another thing also because, this will also lead to repercussions if only one officer is authorised to decide, and there is no appeal against that, there is no appellate authority against that. He is not to take permission of any higher authority. There should be some provision that he is to take the permission from some higher authority. The controlling authority will be the Joint Secretary. If he decides, there can be conflict of business rivalry. If a particular firm approaches the Joint Secretary-I am not casting any aspersion-this does happen in life that such and such agency should be barred or should be defamed. They will raid their office and find out 101 things. But there is another things. In case the agency refuses to cooperate, what will the Joint Secretary, while sitting in his office, do? There should be a provision that in case the agency refuses to cooperate, then warrant for entering the premises should be obtained from the court. That is what is required.

SHRI V. NARAYANASAMY (Pondicherry): The officer should be above the rank of Joint Secretary. He should be either a Secretary or an Additional Secretary.

SHRI R.K. DHAWAN: The Controlling Authority should have the permission of an officer higher than him in rank to enter the premises.

Then there will be checks and counterchecks. Sir, sub-clause (3) of clause 18 is very disturbing:

"If violation of any law is noticed by any private security guard during the course of discharge of his duties, he shall bring it to the notice of his superior, who in turn shall inform the police either through his employer or agency or on his own."

Sir, I fail to understand what is the meaning of this. If a guard is employed there, how can he decide whether any law of the country is being violated or not? If he is unhappy with the employer, does it mean that he will go straightway to the police saying that such and such person, say, R.K. Dhawan, is violating the law? Because he is being employed by me, what authority has he got to decide that? He may be educated or uneducated. How an a guard deployed by me sit in judgement that I am violating such and such law? And that too, such a wide thing If he notices any law being violated, and if he reports it to the superior officer or if he goes straightway to the police, it will have a very bad effect, Sir, in the long run.

There are some other suggestions also. I have already mentioned about the promoter. About the period of training also, I have spoken. About the preference also, I have made a suggestion.

There is another clause. The provision in clause 10(2) should be amended by stating that a person who is facing criminal charges would not be eligible. Here again, we are introducing the concept that a person who is not found guilty earlier can be found guilty. If a person is involved in a criminal offence and if he is facing criminal charges, he will be going to the court. At times, he will not report for duty because he has to go to the court. What credence will I put on him? How can I understand that he is a good man, who himself is facing criminal charges? Sir a provision should be made in this Bill that any person who is facing a criminal case—I am not saying an ordinary case—will not be deployed. How can I employ that person? How can I know anything about the guard sent by the agency? I do not know whether that person is facing a criminal case or not. He might have a criminal mind; he may indulge in a criminal offence. So, all these things are there.

Then, Sir, this Bill punishes the licence holders for a variety of offences. Mr Madhu has also spoken about it. But hardly any punishment is

prescribed for violations made by the individual security guard. An individual security guard commits a mistake and gets away. He is simply dismissed by the employers. There should a provisions in the rules that if an individual security guard is found guilty, he will be covered under such and such criminal laws. About this also, Sir, Mr. Madhu said, "What will happen if the Central agency decides to close its office?" Its licence may not be cancelled. If some defaulter decides to close the agency, Sir, such an agency should give information, in advance, in that regard, They should not be allowed to close the agency unless and until they pay all the dues to their employees. That is very essential.

Sir, there is a provision that a guard will become ineligible if he is punished for less than such and such period. Why can't a person become ineligible to be a appointed a guard irrespective of the period of sentence? If a person is convicted, he is convicted. How can I deploy a person who has been convicted of an offence, the sentence for that, probably, is less than six months? But the fact remains that he is a convicted person. I won't have trust in him.Cover all those things, Sir. There should be a provision in the rules that persons who are convicted of any offence will not be deployed.

Sir, last but not the least, for the employees working at the lowest rung of security guards, their guarding hours and pathetic salaries, of course, they have mentioned that they will be covered under the various Acts. Sir, those who are exploited are well educated, well built youths, in desperate search of jobs. I know there are many persons in my own locality, who are graduates, postgraduates. They are doing duties, but, Sir, they are paid very meagre salaries. And, day-in-day-out, they are in search of their jobs; they are not serious about their duties. They always tell me, "Sir, I am an M.A.. Why can't you get me some job somewhere? So, I think their salaries should be fixed according to their qualification. Something must be done for them. The last point is that a new section should be incorporated to establish a suitable mechanism for rating the services provided by these agencies. How can we create an agency which is not conforming at all to the standards? He has got a licence because he is eligible. Then also their should be some mechanism to arrive at the rating. This kind of rating is done in every system, in every field, here also it should be done. With these suggestions, I support the Bill moved by the hon. Home Minister, Thank you.

SHRI P.G. NARAYANAN (Tamil Nadu): Mr. Deputy Chairman, Sir, in the recent past, the Gorkhas, who migrated from Nepal, were employed for safeguarding our houses and work places, But, now, there are a number of business establishments and private institutions. Increasing threat to life and property, and escalating public violence and domestic violence have heightened the need for seeking the service of private security agencies, which are specialised in offering security services. These private security agencies are meeting the security needs of the business houses, since the Police Force is already burdened with the law and order duties other obligations. Since there is a mushroom growth of the private security agencies, they have to be regulated; otherwise, they may pose a serious security threat becasue the private security personnel may involve in criminal activities. So, this Bill has been brought forward to regulate the functioning of these private security agencies which are now accountable to a regulating mechanism.

[THE VICE-CHAIRMAN, SHRI SANTOSH BAGRODIA, in the Chair.] The State Government authority has to issue the licence to these agencies, after observing certain legal norms, as per this Bill, Under the provisions of this Bill, preference can be given to a person who has served in the Army, Navy, Air Force, Police Force and Home Guards in the hope that they have the required training, experience and vigilant nature to meet the challenges. This is an agreeable provision. At the same time, unemployed youths from the SCs, STs and OBCs should also be given a chance by these service. agencies. According to the provisions of this Bill, the private security guards are prevented from using uniforms of the Navy, Army, Air Force and the Police Force. This is also acceptable. Since the private security guards are issued photo identity cards, they should also be provided with some kind of a uniform other than the one used by the Army, Navy, Air Force and the Police Force so that they can be identified as private security guards. This is missing in this Bill. Therefore, I submit that this lacuna has to be rectified. With these words, I conclude. Thank You.

श्री राजीव शुक्ल: (उत्तर प्रदेश): धन्यवाद, उपसभाध्यक्ष जी, सबसे पहले तो मैं गृह मंत्री जी को इस बात के लिए बधाई देना चाहूंगा कि आपने एक अनऑर्गेनाइज्ड सेक्टर में, जो यह इतना

बड़ा कामकाज हो रहा था, उसे रेग्युलेराइज करने का प्रयास किया है। सदन की भावनाओं को देखते हुए, जो एक विधेयक लाने की बात थी, उसे आप इतनी जल्दी लेकर आए हैं। मान्यवर, इसमें कोई शक नहीं है कि जिस तरह से देश की जनसंख्या बढ़ रही है, उसमें हमारी जो मौजूदा पुलिस व्यवस्था है, वह आम नागरिक को सुरक्षा देने में पूरी तरह से कामयाब नहीं हो सकती है, क्योंकि पुलिस फोर्स का भी अपना एक पैमाना है कि कितनी पुलिस फोर्स एक जगह हो और कितने लोगों का डिप्लोएमेंट हो, इसलिए यह सरकार के लिए संभव नहीं है कि इतने लोगों की भर्ती करके लोगों को सुरक्षा प्रदान की जा सके। आज प्राइवेट सिक्योरिटी एजेंसीज की जरूरत निश्चित रूप से है, इसे सभी स्वीकार करते हैं। यह भले ही अनऑर्गेनाइज सेक्टर में था, लेकिन अभी तक लोगों का जो अनुभव है, वह बहुत खराब अनुभव नहीं है। कुछ घटनाएं हो सकती हैं, लेकिन बहुत अच्छी व्यवस्था प्राइवेट सिक्योरिटी की चल रही है और मुझे लगता है कि बहुत लोगों ने अपने घरों, आफिसस, इंडस्ट्रीज में प्राइवेट सिक्योरिटी एजेंसीज लगाई हुई हैं। मैं एक छोटी-सी बात कहता हूं कि हमारे जो क्रिकेट मैचेस होते हैं, उनमें भी हम प्राइवेट सिक्योरिटी एजेंसीज की जरूरत ज्यादा महसूस करते हैं, क्योंकि पुलिस व्यवस्था में हालत यह होती है कि पुलिस वाला अपने साथ दस मुफ्त वाले लेकर आता है, उसे रोक भी नहीं पाते हैं और स्टेडियम पहले ही भर जाता है। इसलिए हम लोगों को यह निर्णय लेना पड़ रहा है कि प्राइवेट सिक्योरिटी एजेंसीज को लगाइए, जिससे कम से कम समुचित तरीके से तो मैच का आयोजन हो सके। मेरे हिसाब से प्राइवेट सिक्योरिटी एजेंसीज की जरूरत निश्चित रूप से बहुत ज्यादा है। मंत्री जी ने विधेयक लाकर इसे रेग्युलेराइज करने की जो कोशिश की है, वह एक बहुत अच्छा कदम हैं। इसके अलावा आज की तारीख में रोजगार का भी सबसे बड़ा साधन प्राइवेट सिक्योरिटी एजेंसीज हैं। उत्तर प्रदेश, बिहार, बंगाल, उड़ीसा, जो पिछड़े राज्य हैं, वहां से लाखों लोगों को मुम्बई, दिल्ली, चंड़ीगढ़, चैन्ने, बंगलौर में इसके जरिए रोजगार मिला हुआ है। इनके लिए, इन सब बातों को ध्यान में रखते हुए लाइसेंस बहुत जरूरी था। मेरा मंत्री जी से आग्रह है कि आजकल देखा गया है कि डिटेक्टिव एजेंसीज भी प्राइवेट सिक्योरिटी एजेंसीज के साथ बहुत काम कर रही हैं। कई प्राइवेट सिक्योरिटी एजेंसीज ने अपनी एक पूरी विंग डिटेक्टिव एजेंसीज की बनाई हुई है। क्या उनके लिए कोई रेग्युलेशन आपके पास है? क्या उनके लिए लाया गया कोई विधेयक आपके पास है? मैंने यह देखा है कि यह इसमें कवर नहीं है, इसलिए उनके लिए, प्राइवेट डिटेक्टिव एजेंसीज के लिए भी इसमें प्रावधान होना चाहिए। उनके लिए अलग से कोई विधेयक लाया जाना चाहिए। इसके साथ-साथ प्राइवेट सिक्योरिटी एजेंसीज में देखा गया है कि दफ्तर खोल लिया, वर्दी दे दी, डंडा दे दिया और लोग भर्ती कर लिए, यह कोई प्राइवेट सिक्योरिटी एजेंसी नहीं होती। इसे हाई टेक कैसे बनाया जाए? इनके पास हथियार, लाइसेंस, अन्य उपकरण हों, उनको हाई टेक बनाने के लिए भी बिल में कुछ प्रावधान होने चाहिए, जो इसमें नहीं हैं। इस तरह की व्यवस्था

होना बहुत जरूरी है। यह एक ऐसा व्यवसाय है, ऐसा काम है, जिसमें आपको लगातार रिवीजन की जरूरत है, नए-नए कानून बनाने की जरूरत है, क्योंकि एक कानून बनाकर आप पचास साल तक नहीं चल सकते, परिस्थितियां बदलती रहती हैं। देश में जनसंख्या बढ़ने के साथ-साथ लॉ एण्ड ऑर्डर के जो हालात हो रहे हैं, जिस तरह से टेरेरिस्ट ग्रुप्स लगे रहते हैं, जिस तरह के होशियार लोग आ रहे हैं, उन सभी के लिए सिक्योरिटी एजेंसीज के लिए एक ऐसा तारतम्य बनाना है। रिवीजन्स के लिए भारत सरकार की लगातार एक निगरानी रहनी चाहिए और उस हिसाब से प्रोविजन में लगातार बदलाव भी होते रहने चाहिए। इसमें एक बड़ी चीज यह है कि फोरेन इक्विटी कितनी होगी? इसे लेकर एम्बीग्युटी है, जो बिल में बहुत स्पष्ट नहीं है। लेकिन कुल मिलाकर ऐसा लगता है कि अगर फोरेन इक्विटी हो तो वह 51% से ऊपर न हो। अगर 51% इंडियन के पास रहे और 49% विदेशी कंपनी के पास रहे, तो इसमें कोई ऐतराज नहीं है, क्योंकि विदेशी कंपनियों का पार्टिशिपेशन भी बहुत जरूरी है। वे अच्छा काम कर रही है, इसमें ग्रुप-4 वगैरह तमाम एजेंसीज हैं। खाली यह ध्यान रखें कि उनके पास मेजोरिटी न हो, खासतौर से जो सेंसिटिव एरियाज हैं, उनमें इस बात का ध्यान रखना चाहिए। एक बात इसमें और है, धवन साहब ने काफी विस्तार से बताया, उन्होंने कोई ऐसी बात नहीं छोड़ी, जो इसमें रह गई हो, कुछ प्वाइन्ट्स के अलावा, लेकिन यह बात सही है कि स्टेट गवर्नमेंट में जो ज्वाइंट सेक्रेटरी होता है, अगर उसे कंट्रोलिंग अथॉरिटी बनाएंगे तो मेरे ख्याल से उचित नहीं है। सभी जानते हैं कि ज्वाइंट सेक्रेटरी स्टेट गवर्नमेंट में पी॰सी॰एस॰ ऑफीसर होता है, वह प्रोविसियल सिविल सर्विसिज का होता है। इसलिए सेक्रेटरी रैंक से नीचे का अफसर नहीं होना चाहिए, वहां कम से कम सेक्रेटरी रैंक का अफसर हो, क्योंकि यह बहुत बड़ी जिम्मेदारी है, यह बहुत बड़ा आहोदा है, इसलिए एक पी॰सी॰एस॰ आफिसर के हाथ में सारी चीजें देना, मेरे ख्याल से उचित नहीं होगा। दूसरी चीज यह है कि किसी भी कोर्ट में कन्विक्टेड व्यक्ति को आप सिक्योरिटी गार्ड नहीं बना सकते। इसलिए मेरे ख्याल से यह बिल्कुल सही है कि अगर उसके खिलाफ क्रिमिनल इन्वैस्टिगेशंस भी अगर चल रहे हैं, तो भी उसको सिक्योरिटी गार्ड नहीं बनाया जाना चाहिए। अक्सर यह देखा गया है कि पूरे-पूरे घर उनके हाथ में होते हैं और जहां अकेले वृद्ध दंपति रहते हैं, वहां सब कुछ उस सिक्योरिटी गार्ड के भरोसे रहता है। अगर सिक्योरिटी गार्ड गड़बड़ हुआ, तो खतरा है, क्योंकि घर के अंदर का सारा मालमत्ता उसके पता होता है, घर में रात को अकेले कौन सोता है, यह उसको पता होता है, इंडस्ट्री में कैशियर कहां बैठता है, कैशबुक और कैश कहां है, सब उसको पता होता है। आप इतना बड़ा रिस्क नहीं ले सकते हैं। इसलिए अगर किसी व्यक्ति के बारे में एक परसेंट भी शक हो, तो ऐसे व्यक्ति को नहीं रखा जाना चाहिए। इसलिए जिस व्यक्ति के खिलाफ कोई भी क्रिमिनल प्रोसीडिंग्ज़ या इन्वैस्टिगेशस चल रही है, उसको नहीं रखा जाना चाहिए और उसको कोई ऐसा मौका नहीं देना चाहिए।

मान्यवर, इसमें रजिस्ट्रेशन फीस बहुत कम है। जब कोई इतनी बड़ी सिक्योरिटी एजेंसी चलाता है, तो पांच हजार, दस हजार, पच्चीस हजार पूरे स्टेट के लिए रजिस्ट्रेशन फीस बहुत कम है। मुझे लगता है कि अगर इसमें अच्छे लोगों को लाना है, क्रेडिबल लोगों को लाना है, तो उसके लिए रजिस्ट्रेशन फीस बढ़ाई जानी चाहिए। हां, एक बात पर मेरी आपत्ति है कि जो सैक्शन 13 है, वह बहुत stringent है और यह ऐसा क्षेत्र है कि आई॰ टी॰ की तरह इसमें बहुत ज्यादा government interference नहीं होना चाहिए। अगर इस सैक्टर की flourish करना है आगे बढ़ाना है, thrive करना है, तो इसमें इतना ज्यादा government interference नहीं होना चाहिए। अगर आप सैक्शन 13 को देखें, तो आप पाएंगे कि इतने provisions इसमें डाल दिए हैं कि किसी के लिए भी सिक्योरिटी एजेंसी चला पाना बहुत मुश्किल होगा, क्योंकि ये तमाम चीजें कौन करेगा, जैसे "Failed to provide private security or were guilty of gross negligence in not providing such security." कोई भी एक कंप्लेंट या चिट्ठी डाल दे, यह कहकर "I am not statisfied with the kind of service they render." के प्राइवेट सिक्योरिटी एजेंसी का लाइसेंस कैंसिल हो जाएगा। If somebody writes even this one line, it means that the license should be cancelled. This kind of stringent provisions must be deleted. Secondly, in sub-section (iii), which talks of indiscipline, who is going to determine this? It is very difficult. So, all these provisions must be relaxed.

Thirdly, as regards address verification, सिक्योरिटी गार्ड का address verification बहुत जरूरी है। जिस तरह से हम डोमेस्टिक हैल्प का address verification करवाते हैं, उसी तरह address police verification is very essential as far as security guards are concerned. हमारे यहां तो नेपाल से भी बहुत लोग आते हैं, ऐसी-ऐसी जगहों से आते हैं, दूर-दराज के गांवों से आते हैं, पहाड़ों से आते हैं कि कोई भी क्राइम करके चला जाए, पता नहीं चलता और जब 4 पुलिस वाले उसके गांव जांच करने के लिए जाते हैं, तो पूरा गांव मिलकर उनको पीटता है। वे तो यहां दिल्ली में मर्डर करके चले गए और जब पुलिस वाले वहां गए, तो पूरे गांव ने मिलकर उनको पीटा। अब 4 पुलिस वाले इतनी मुश्किल से तो पहाड़ में पहुंच पाते हैं, फिर पिटाई खाते हैं, उनके लिए बड़ा मुश्किल हो जाता है। इसलिए address verification वगैरह सारे प्रोविजन्स रखे जाने चाहिए।

महोदय, एक बड़ी महत्वपूर्ण चीज यह भी है कि उनका salary structure क्या होगा? अक्सर यह देखा गया है कि सिक्योरिटी एजेंसीज तो कंपनी से 3,000 रुपए लेती हैं या जिस कस्टमर ने hire किया है, उनसे लेती है, लेकिन सिक्योरिटी गार्ड को केवल 1,500 रुपए या 1,000 रुपए

या 800 रुपए देती है। वे गार्ड इतने बुरे हाल में रहते हैं कि उनके लिए आप एक रास्ता खुला छोड़ रहे हैं कि वे कुछ न कुछ गडबड़ी करके पैसा कमाएं, चाहे वे चोरी करें, या डकैती करें, या जासूसी करें, या मार-पीट करें। इसलिए उनका salary structure भी बहुत दुरूस्त करने की जरूरत है। इसके साथ-साथ चूंकि ये पुलिस आर्गनाइजेशंस नहीं हैं, लेकिन इनका काम बहुत कुछ उनसे मिलता-जुलता है, इसलिए पुलिस की तरह इसमें भी प्रोविजन बनाया जाना चाहिए, दीपांकर दा बुरा नहीं मानेंगे, कि इसमें यूनियन का प्रोविजन नहीं होना चाहिए। इंडस्ट्रियल डिस्प्यूट वगैरह ये जो पूरे क्लाज़ डाल दिए हैं, इनमें ट्रेड यूनियन का प्रोविजन नहीं होना चाहिए, वरना इनको चलाना मुश्किल हो जाएगा। अगर इन सबका एक महासंघ बन गया, तो जो मन में आएगा, वे वही करेंगे। आप इसके माध्यम से एक आम व्यक्ति को यह सुविधा दे रहे हैं, प्राइवेट लोगों को सुरक्षा दे रहे हैं। इसमें इतने सारे ऐक्ट हैं –The Payment of Wages Act, the Industrial Disputes Act, the Minimum Wages Act, the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, the Payment of Bonus Act, 1965, the Contract Labour (Regulation and Abolition) Act, the Payment of Gratuity Act, the Equal (Remuneration and Abolition) Act, the Payment of Gratuity Act, the Equal Remuneration Act and the Inter-State Migrant Workmen Act. ये सारी चीजें होने के कारण, पूरे दिन वह लेबर लॉज के चक्कर में ही लगा रहेगा और लेबर इंस्पैक्टर के लिए धंधा हो जाएगा। इसलिए इसमें सिर्फ वही प्रोविजन रखने चाहिए जो किए उनकी तनख्वाह के बारे में हो यह insure करना चाहिए कि उसका salary structure सही हो, लेकिन अगर उसको सारी छूट दे दी, तो इधर यह बिल लगेगा और उधर एक महीने में इनकी यूनियन भी बन जाएगी।

इसको चला पाना बहुत मुश्किल हो जाएगा। (समय की घंटी) धवन साहब ने रिजर्वेशन वाला जो प्वाइंट कहा है, मैं इससे...(व्यवधान) मनोज दा, मैंने इसमें यह नहीं कहा, मैं तो खुद कह रहा हूं कि इनका सेलरी बहुत अच्छा होना चाहिए। इसको ध्यान में रखना चाहिए, लेकिन अगर उनका आपने...(व्यवधान)

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया) सुनिए, सुनिए। शुक्ल जी, आपको उन्हें जवाब देने की जरूरत नहीं है। आप अपनी बात बोलिए....(व्यवधान) आप अपनी बात बोलिए। Dada, Please sit down...(*Interruptions*)

श्री राजीव शुक्ल: जैसे पुलिस फोर्स में ...(व्यवधान)

SHRI JIBON ROY (West Bengal): Sir, *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Please, sit down, Dada. No interruptions. *(Interruptions)* Mr. Sarkar, no interruptions. (*Interruptions*)

SHRI RAJEEV SHUKLA: Now, what has been happening in security agencies.. (*Interruptions*).. in Police Organisations? There is no provision for trade unionism in police organisations. Similarly ...(*Interruptions*)

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Rajeevji. (*Interruptions*) Will you please sit down, Manojji? This is not allowed. You cannot interrupt like that. (*Interruptions*) Do you want to speak? Do you want to speak? If you want to speak, then I will give you a chance. Otherwise, sit down. I said if you wanted to speak, I would give you a chance. If you do not want to speak, then, please, sit down. Go ahead, Shuklaji.

SHRI RAJEEV SHUKLA: They should be looked after well. But, like police organisations, they should not have any provision for trade unions. और सर, रिजर्वेशन वाली जो बात कही गई है, मुझे नहीं लगता कि इसमें रिजर्वेशन का प्रोविज़न दिया जाना चाहिए। इन सारे सुझावों के साथ मैं अपनी बात समाप्त करता हूं और फिर से एक बार इस विधेयक का समर्थन करता हूँ।

उपसभाध्यक्ष (श्री संतोष बागड़ोदिया): अब आपको जो बोलना है, बोलिए। अब आप वही बात बोलिए जो बीच में बोल रहे थे। Shri N.K. Premachandran. Now, you can say what you want to say. And I will ensure that he does not interrupt you.

SHRI N.K. PREMACHANDRAN (Kerala): Sir, I would like to start from where Shri Rajeev Shukla concluded. I appreciate the UPA Government for bringing forward this legislation for protecting private security personnel in the country. This Bill takes care of all their legitimate rights. I fully support the Bill, and I also appreciate the hon. Home Minister for bringing forward such a legislation as this in this House. Sir, the number of business and industrial establishments has been increasing day by day and, proportionately, private security agencies and security personnel have also been increasing. It was very well explained by the previous speaker from the Congress. In Delhi alone, thousands of security personnel are being engaged by private security agencies. But if you look at their salaries and allowances, you will find that they are being exploited by these agencies. Sir, most of these people are either ex-servicemen or they have retired

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from other services. A majority of them are engaged at a meagre salary of Rs. 1,500 or Rs. 2,000 and so on. So many instances have already been reported that so many security personnel who are protecting various properties during nights are being brutally killed by the robbers. There is no security for the security personnel who are being appointed by private security agencies. In such circumstances, in order to regulate the qualifications, the training, the appointment, giving licences, the Government has come forward with this Bill, the Private Security Agencies (Regulation) Bill, 2005. Now, there are some lacunae in the Bill. But I am sure the controlling authority, which is envisaged in the Bill, will be able to regulate private security agencies network in the country. I appreciate that, finally, we have some sort of a regulatory mechanism which will take care of thousands of people, industrial establishments, and even security to individuals.

Coming to the Definition Clause, sub-clauses (f), (g) and (h) define a private security agency and a private security guard. It is very clear that the private security means security provided by a person other than a public servant. And private security agency is an agency which is providing security personnel to industrial establishments, and private security guard is a private security person. So, as far as their qualifications are concerned, in Clause 6, it has been stated, "A person shall not be considered for issue of a licence under this Act..." That is, an application for a security guard to get a licence, so many conditions are there. I am not going into the conditions, namely, (a), (b), (c) and (d). Sir, four conditions are there. One is, "Convicted of an offence connected with promotion or formation of a company (any fraud or misfeasance committed by him in relation to the company), including, an undischarged insolvent: (b) convicted by a competent court for an offence, the prescribed punishment for which the imprisonment is not less than two years; (c) keeping links with any organisation or association which is banned under any law on account of their activities; and (d) dismissed from the Government service." So, these are the conditions. I would like to seek clarification from the hon. Minister whether these are the qualifications which are being prescribed for getting a licence for a person, i.e., security guard, not for the agency. Suppose, I

would like to appoint a security, I need not go to the security agency. These are so many individuals who are willing to work as a security. These are six qualifications which are being prescribed in Clause 6. But, in that, no age is prescribed and no other qualification like educational qualification or something is being prescribed. No fee is also prescribed there. What is the legitimate fee required for getting a licence for a person so as to act as a security? This is the first clarification that I would like to seek from the hon. Minister. I need not go to a security agency for appointing a security for my person and for my property. So, for individuals, what is the mode of giving a licence to an individual by Clause 6 of this Bill?

Coming to Clause 7, it is about issuing licence to the security agency. I can understand that. So many clauses are being given there, and the amount of fee is prescribed. All the qualifications are well prescribed in Clause 10. The age is also prescribed there. I can understand that. Sir, clause 10(1) says, 'A private security agency shall not employ or engage any person as a private security guard unless he-

(a) is a citizen of India....

(b) has completed eighteen years of age but has not attained the age of sixty-five;"

So, age is prescribed for a security person being appointed by a security agency. My apprehension is about the person who wants to work as a security and he wants to take a licence. What is the procedure for that? What should be his qualifications? There is a little bit of doubt or confusion or vagueness in Clauses 6 and 10 about all these things. So, I request the hon. Minister to clarify these points.

Sir, now I come to Clause 13, which is about the Controlling Authority. The Controlling Authority is being appointed by the State Government, and some guidelines have also been issued in this regard. Just now, Shri Rajeev Shukla said about it. Clause 13(1) says, "The Controlling Authority may cancel any licence on any one or more of the following grounds, namely-

(h) that the licence holder is or has wilfully failed or refused to render the services agreed to any person." Sir, this Clause is absolutely vague. Because a mere letter in writing to the Controlling Authority that a particular security personnel has not rendered service, as I wished or as I liked, is

not enough. On that ground this Joint Secretary of the Minister of Home Affairs can cancel the lincence. The Controlling Authority is appointed by the State Government—the Controlling Authority should not be less than the rank of a Joint Secretary. Definitely, more powers are being vested in the Joint Secretary, particulalry a bureaucrat is being vested with more arbitrary powers so as to cancel the licence of a security personnel on filmsy grounds. I think this provision of the Bill can be misused in a lost of cases. So, that has to be looked into after gaining the working experience on it.

Sir, coming to sub-clause (j) of Clause 13 which states, "that the licence holder has violated the provisions of the Acts given in the Schedule...." That is why I would like to disagree with the proposal put forth by Shri Rajeev Shukla because I appreciate that the Government has incorporated nine Acts in the Schedule. All these nine Acts, including the Payment of Wages Act, the Industrial Disputes Act, the Minimum Wages Act, are protecting the welfare, the right of the security personnel. This is a very revolutionary change in the field of security personnel because the huge exploitation can be prevented by seeking the remedies which are available in the Industrial Disputes Act, the Payment of Wages Act. Even they are entitled to bonus; that is enunciated in the Payment of Bonus Act. So, almost all the labour rights, which are existing in our country are being taken care of by this Government. That means, this Government is protecting the interests of the security personnel. In no way it shall be taken away. As comrade Madhu suggested, some other enactments have to be incorporated in this Schedule for welfare measures, like the Workman's Compensation Act. That is my suggestion.

Sir, coming to Clause 20 (i), "any person who contravenes the provision of section 4 shall be punishable with imprisonment, which may extend to one year with a fine and which may extend to Rs. 25,000 or with both." So, very strict punitive measures are provided if there be any violation : Any violation means violation under clause 4, that is, if a security personnel is acting without holding the licence, this punishment is also there. That also is being appreciated.

Sir, regarding the dress, uniform code, everything is being taken care. I once again would like to compliment this Government for bringing forward such a legislation. I would like to take this opportunity to congratulate the hon. Home Minister in bringing so many legislative reforms in respect of

the Criminal Procedure Code, Criminal Law Amendment Bill and so many things. In the same way, he has brought this Security Agencies (Amendment) Bill. I would once again congratulate him. Thank you, Sir.

SHRI RAMA MUNI REDDY SIRIGIREDDY (Andhra Pradesh): Sir, I rise to support the Bill brought before the House by the hon. Home Minister. This Bill should have been brought much earlier looking at the increasing activities of the private security agencies in the country. Anyway, better late than never. The objectives of the Bill are laudable as the private security industry now encompasses an extensive range of occupations and activities that includes door supervisors, suppliers or installers of security equipment, private investigators, security consultants, security guarding services, provider of protected forms of transport and suppliers and installers of safes, amongst others. It is also important because there have been instances where some persons working with private security agencies were found to be conducting not only espionage for Pakistan-based agencies, but are also involved in various heinous crimes. This law is very necessary in the absence of any uniform policy for private security agencies in the country. For example, in a city like Delhi, the agencies have to register themselves with the Delhi Police Licensing Branch. But, when it comes to other States, the guidelines vary. So, there is a need to have a uniform law to control, monitor and look at the activities of the private security agencies in the country.

Now, I wish to offer some comments on some of the clauses of the Bill. Sir, clause 4 of the Bill deals with regularisation of private security agencies and issue of licences to private security agencies. Clause 6 deals with rejection of issue of licence to persons who are convicted or having links with banned organisations or dismissed from the Government service, etc. Okay. If you are not giving licence to above persons what the ineligible person will do is, he will apply for licence in the name of his spouse, son or relative and they will get licence and will remain dormant and the person who has been barred will run the affairs of the agency from behind the scene. How are you going to control such persons? You have also not given any qualification for a person to start a private security agency. You are only verifying his antecedents under clause 5. Nothing else. So, I request that some professionalism has to be injected into the Bill at appropriate place which should say that only such and such person, having such and such qualification or experience or professionalism is eligible for

starting a private security agency. Otherwise, this Bill is not going to control the mushrooming of private security agencies which lack professionalism.

The Bill prescribes Rs. 5,000 as licence fee if the security agency is operating in one district; Rs. 10,000 if it is operating upto 5 districts; and Rs. 25,000 if it is operating in the entire State. I would like to know the basis of fixing this amount. On what basis are you fixing this licence fee? Is it fixed one time licence fee or are you going to do for a particular period of time? Is this fee to be paid again when the renewal is done? It has to be made clear.

Sir, clause 8 deals with renewal of licence and you are saying that the Controlling Authority shall pass an order for renewal of licence within a period of 30 days. But, if the Controlling Authority fails to renew the licence within the prescribed period of 30 days, what will happen to the agency which is providing private security service? Should it stop its operations? So, I would request the hon. Minister to make this provision clear. You say that the Controlling Authority will pass an order for renewal within 30 days. If he fails to pass, you make it clear that licence deemed to have been renewed.

The most important thing about private security services is professionalism and training. The more professional and trained you are, the best the results would be. Under Clause 9(2) you are asking them to impart training and skill to its guards. I do not know what kind of training these private security agencies will provide to their guards since they do not have the necessary paraphernalia, professionalism, infrastructure, etc. So, I submit for consideration of the hon. Minister that why not think of imparting professional and other necessary training to private security guards in our police training institutes since we have the professionalism, infrastructure and expertise by charging some amount. This can also be made mandatory by inserting a clause in the Bill itself.

It is good that have made in the Bill itself that preference should be given to armed force personnel, paramilitary forces or armed constabularies. But if you look at the eligibility criteria to becomea private security guard, it seems to be amusing. Clause 10 (b)says that one has to be in the age groups of between 18 and 65 years. And, sub-clause (e) of the same clause says that he has to fulfil such physical standards as may be prescribed. My point is,on the one hand you are allowing a person, say, of

60 years to become a security guard and on the other, you want this old man of 60 years to fulfil the physical standards and complete security training successfully. How is it possible? How can an old man of 60 years fulfil these conditions? So, I request the hon. Minister to look into this clause and restructure sub-clause (b) of clause 10 by prescribing the age for becoming a security guard between 18 and 40 years.

If one reads the Bill, it is clear that Controlling Authority is the sole authority on all aspects of private security. I feel that if you do not have any machinery which has supervision over the Controlling Authority, there is a possibility of his going unilaterally which is not good for the system. So, the way you are allowing appeals to Home Secretary of the State, you may also make Home Secretary to supervise the functioning of the Controlling Authority and attend to if there are any grievances from the private security agencies to maintain equilibrium. I understand that the Controlling Authority is there at the State level. I submit for consideration of the Minister that S.P. be given powers to oversee the affairs of the private security agencies at the district level since he is responsible for law and order of a district. Under clause 17 photo identity cards are issued by the private security agency, and not by the Government. I only feel that it would be better if the identity cards are endorsed by the local S.P. So, that it will have authenticity, foolproof and moreover the S.P. can have a record of each guard of his district. Then, Sir, nowadays, it is not only the security services are provided by the private agencies but they are also providing private investigators. Of course, now, private investigation has become popular even in small cities. In the proposed Bill, there is nothing about private security investigation carried out by the private security agencies. So, I would like the hon. Minister to explain as to why he has not included this in the present Bill. So, Sir, these are some of the views, which I wish to express on this Bill and request the hon. Minister to ponder over them and make the necessary changes in the Bill to make it more effective and implementable. Thank You.

SHRI R. P. GOENKA (Rajasthan): Mr. Deputy Chairman, Sir, I rise to support this Bill. Before lunch-break, the Minister had given very good explanations and took out many of the doubts which we had. However, I would like to make a few suggestions.

The first suggestion is that the Bill should indicate the conditions in which the security guards will be permitted to use arms and the regulations

while on duty. Otherwise, in today's world, we see many *mafia* kings moving about and they will have a security guard and they will shoot bang, bang, bang. That will go on. One thing which the Bill has missed is, if a security guards gets injured or killed during duty, what precaution or what compensation he is entitled to? About the training of the security guard, few of the previous speakers have already mentioned to employ the unemployed youth in the security guard forces. It is not the answer. They must have training and when they wish to join the security guard forces, they should be most welcome. Sir, the last point that was elaborated by Mr. Dhawan in Section 18, Clause 5, Sub-Clause 3 was that a security guard can go and complain to his superior and that superior can come and enter the premises of the office or his residence. It is very dangerous. I would like to recollect and I will tell you, Sir that many years ago in income Tax Act such a clause was there. Anyone can enter. After a lot of debate, persuasions, that clause was taken out. Here, we are reintroducing it. And who is that man? He is a security guard who is supposed to protect me. Instead of protecting me he goes and makes a report and a Joint Secretary of a State says, 'okay' and that is it. Where is my privacy? Sir, this clause was elaborated by Mr. Dhawan. I don't want to repeat it. But I am sure the Minister would keep it in mind while framing the final Bill. With these words, I support the Bill and endorse it and compliment the Minister for bringing out such a Bill.

श्री वसंत चव्हाण (महाराष्ट्र) : उपासभापति महोदय, जिसकी जरूरत थी, ऐसा एक कानून बड़े अरसे के बाद आज देखने को मिल रहा है। कई लाख सेक्योरिटी एजेन्ट्स देश में काम कर रहे हैं और यह क्षेत्र बढ़ने वाला क्षेत्र है, इसमें कटौती नहीं होगी। लोगों की जरूरतें बढ़ती जा रही हैं और अकेले पुलिस फोर्स सारी जरूरतें पूरी नहीं कर पाएगी, इसलिए प्राइवेट सेक्योरिटी एजेन्सीज़ के लिए इसके आगे भी भविष्य अच्छा है, यह काफी बढ़ेगा और लोग बड़े पैमाने पर इसमें काम करेंगे। मान्यवर, इसमें यह कहा गया है कि एक कंट्रोलिंग आथॉरिटी होगी जो ज्वाइंट सैक्रेटरी, होम के अन्तर्गत होगी, लेकिन क्या यह काफी हागा? एक ज्वाइंट सैक्रेटरी ऑफ होम पूरे राज्य भर का काम देखेगा और सारी सिक्योरिटी एजेंसी उसके अंडर काम करेगी। उनकी सहायता के लिए और लोगों को देना पड़ेगा, जिला स्तर के लोगों को भी देना पड़ेगा। एक लाइसेंसिंग आथॉरिटी आप ने बना दी, लेकिन इंसपेक्टिंग आथॉरिटी के बारे मुझे इस बिल में कहीं चर्चा नजर नहीं आ रही है कि इनको कौन इंसपेक्ट करेगा, समय-समय पर जाकर इन सिक्योरिटी एजेंसीज की जांच-पड़ताल कौन करेगा कि ये ठीक से काम कर रही हैं या नहीं कर रही हैं तथा नागरिकों से ये जो पैसे लेती हैं तो उसके

बराबर सेवा दी जा रही है या नहीं दी जा रही है, जिस पर यह 'लाइसेंस डिपेंड करता है। इसके लिए जैसे एक इसकी लाइसेंसिंग आथॉरिटी आप बना रहे हैं, बेहतर होगा कि आप इसकी इंसपेक्टिंग आथॉरिटी के नियमों के बारे में सोचें और अगर इंसपेक्टिंग आथॉरिटी इस पर बनाएं तो वह जिला स्तर पर बनाएं ताकि यह काम अच्छा रह सके।

इसमें आर्म्स के बारे में भी चर्चा है कि उनको हथियार दिए जाएंगे, लेकिन यह कहीं नहीं लिखा है कि कौन से हथियार होंगे, पिस्तौल होगी, एस॰एल॰आर॰ होगी या और कुछ होंगे। क्योंकि मुझे मालूम है कि कुछ लोगों ने इस प्रकार के प्राईवेट सिक्योरिटी गार्ड ले रखे हैं, एक-एक अमीर आदमी चार-चार सिक्योरिटी गार्ड लेकर चल रहा है। मुम्बई जैसे शहर में चार-चार सिक्योरिटी गार्ड लेकर चल रहा है। उसने इस चीज का अलग रौब बना रखा है सिक्योरिटी गार्ड रखकर, क्योंकि उसके पास पैसा है, वह चारों गार्ड्स की तनख्वाह भर सकता है और वे चारों हथियारों से लैस हैं और यह आदमी उनके बीच में चल रहा है।

श्री आर॰पी॰ गोयनका: वह तो ब्लैक कैट रखते हैं, हम सिक्योरिटी गार्ड रखते हैं।

श्री वसंत चव्हाण: अगर भले आदमी रखें तो कोई हर्ज नहीं, मैं भले आदमियों के बारे में कुछ नहीं कह रहा हूं। कुछ ऐसे लोग हैं जो गलत तरह से रौब पैदा करने के लिए इसका इस्तेमाल इस तरीके से कर रहे हैं। लेकिन कोई अच्छा आदमी है, उसकी जान को खतरा है, अगर वह एक की जगह चार गार्ड रख ले यह बात अलग है। भले लोगों के बारे में मैं नहीं कहना चाहता। मैं उन गलत लोगों के बारे में कह रहा हूं जो मैंने देखे हैं, मैं उनको जानता भी हूं कि वे गलत काम करते हैं और गलत काम का रौब दिखाने के लिए वे लोग इसका इस्तेमाल कर रहे हैं। इसमें भले और सज्जन लोगों के बारे में मुझे कोई आक्षेप नहीं है।

उपसभापति महोदय, जैसे बोनाफाइड या पूर्व चरित्र जांचने के बारे में इस बिल में चर्चा है कि जो भी सिक्योरिटी गार्ड है, उसका पूर्व चरित्र पहले देखा जाए कि उसका पूर्व चरित्र कैसा है और फिर उसको सिक्योरिटी गार्ड भर्ती किया जाए। क्या आप यह नहीं देखेंगे कि वह सिक्योरिटी जिसकी सेवा में जा रहा है उसका पूर्व चरित्र कैसा है। हमारा एक एक्स-सर्विसमैन चाहे आर्मी का हो, नेवल का हो, पुलिस का हो उसकी भी अपनी इज्जत है। वह एक सिक्योरिटी गार्ड बन गया है तथा वह जिसकी सेवा में भेजा जा रहा है और वह आदमी बहुत गलत है तो क्या उसके एंटीसिडेंट्स कोई चैक नहीं करेगा जिसने सिक्योरिटी गार्ड मांगा है। हमारे महाराष्ट्र के उप मुख्यमंत्री और गृह मंत्री श्री आर॰आर॰पाटिल, जिन्होंने अभी-अभी एक कानून बना दिया, विधान सभा में घोषित कर दिया, जिसके बारे में महाराष्ट्र से संबंधित लोग जानते होंगे कि महाराष्ट्र की पुलिस किसी भी क्रिमिनल का प्रोटक्शन नहीं करेगी, उसको प्रोटक्शन नहीं दिया जाएगा। इस तरह से वहां सारी पुलिस विद्ड्रा कर ली है कि क्रिमिनल एक्टिविटीज करने वालों को पुलिस प्रोटैक्ट नहीं करेगी तथा वह अपना इंतजाम

खुद करे, हमारा पुलिस का आदमी जाकर ऐसे आदमी को सलाम नहीं करेगा। लोगों ने इसका स्वागत किया, उनकी पीठ थपथपाई कि अच्छा किया, क्योंकि इस काम में हजारों पुलिस वाले लगे हुए थे, ऐसे लोगों की सेवा में, किसी न किसी सिफारिश की वजह से, जो खुद गुनहगारी की जिंदगी जीते थे। मैं यह भी बताऊं कि एक विधायक की भी उन्होंने ऐसी सिक्योरिटी नामंजूर कर दी कि विधान सभा के परिसर में सिक्योरिटी रहेगी, उसके बाहर उसको सिक्योरिटी नहीं दी जाएगी क्योंकि उसका पूर्व चरित्र कुछ और रहा है। मैं उनका नाम नहीं लेना चाहता। उपसभापति महोदय, जिसको सिक्योरिटी दी जा रही है, उसके भी antecedents चैक करने चाहिए। जिस महकमे को दी जा रही है, कोई गैर-कानूनी फैक्टरी चला रहा है, उसके पास फैक्टरी का लाइसेंस नहीं है, हमारे लाइसेंस वाले दस सिक्योरिटी गार्ड वहां खड़े हैं, किसलिए? जिसको यह सिक्योरिटी दी जानी है, उसकी भी थोड़ी-सी इन्क्वायरी होनी चाहिए, उसको भी देखना चाहिए। उपसभापति महोदय, इस बिल की धारा 6 (बी) में लिखा है, "Convicted by a competent court for an offence, the prescribed punishment for which is imprisonment of not less than two years." इसको कम कर देना चाहिए। दो साल की सजा क्या और छह महीने की सजा क्या, गुनहगार वही होता है, सजा देने वाला दो साल की भी दे सकता है, छह महीने की भी दे सकता है। जो क्रिमिनल एक्ट है, क्रिमिनल एक्ट में यदि किसी को छह महीने की सजा हो जाए, इसके बारे में मेरा सुझाव है, ऐसे आदमी को सजा की अवधि जो आपने दो साल की रखी है, उसको यदि आप छह महीने का रखेंगे, तो ज्यादा बेहतर होगा। ..(समय की घंटी)..

उपसभापति महोदय, समय कम है इसलिए मैं दो-चार बातें और कहना चाहता हूं। आपने इसमें प्रिफरेंस दिया है कि किस-किस को इसमें लिया जाए, आपका प्रिफरेंस अच्छा है, लेकिन यह वही हाल है, जो स्वर्गीय इंदिरा जी के बैंक नेशनलाइजेशन करने के पहले बैंकों का जो हाल था, वही सिक्योरिटी एजेंसीज का आज हाल है। अपनी जाति के लोग, अपने सगे-संबंधी, अपने पहचान वाले लोग, इन्हीं को इसमें रोजगार मिलता है। यह सबके लिए रोजगार नहीं है, जो सिक्योरिटी एजेंसी चलाता है, वह ऐसे लोगों को लेता है, जो उसकी अपनी जाति के होते हैं, जो उसके सगे-संबंधी होते हैं। आपने यह प्रेफरेंस रखकर अच्छा किया है। आपको शैडयूल्ड कास्ट और शैडयूल्ड ट्राइब्स के एक प्रतिशत लोग भी इन सिक्योरिटी एजेंसीज में नहीं मिलेंगे। आप इसकी जांच करके देख लीजिए, आपको एक परसेंट भी नहीं मिलेंगे। क्योंकि इसको चलाने वाला अलग मति का आदमी है, उसके विचार अलग हैं, आपको उनके लिए यहां से रिजर्वेशन करना पड़ेगा। प्रिफरेंस दो, यह कह कर भी काम नहीं चलेगा। प्रिफरेंस में उसकी अपनी मर्जी है, लेकिन अगर आप शैडयूल्ड कास्ट और शैडयूल्ड ट्राइब्स के लिए रिजर्वेशन रखेंगे, तो शायद इनमें कुछ लोग एम्पलाई हो सकेंगे।

उपसभापति महोदय, अब तो बड़े शहरों में घरेलू काम करने वालों की यूनियन बन गई हैं। बरतन भांडा माजने वाली बाइयों की यूनियन बन गई हैं। घर में काम करने वालों की यूनियन

बन गई हैं और यह कहा जाए कि इनकी यूनियन नहीं होनी चाहिए, तो इनको इतना फरिस्ता समझने की जरूरत नहीं है कि इनकी यूनियन न बन जाए और सिक्योरिटी परसन्स इसमें काम न करें। इनकी यूनियन होनी चाहिए। इनके काम में भी बहुत एक्सप्लायटेशन है। कई लोग मेरी पहचान के हैं, जो इसमें काम करते हैं, उनकी तनख्वाह लिखी कुछ जाती है और दी कुछ जाती है। उनके नाम पर हजार रुपया लिखा जाता है और पांच सौ रुपया दिया जाता है। उनके वर्किंग आवर्स फिक्स नहीं हैं, उनके साथ जो ट्रीटमेंट होता है, उनके साथ जो बर्ताव होता है, वह बहुत बुरा होता है, बहुत अपमानित होकर उनको वहां पर काम करना पड़ता है। कौन इनकी सुरक्षा करेगा? इसलिए उनकी सुरक्षा के लिए कानून बनना चाहिए। यदि वे अपनी यूनियन बनाते हैं, तो उसको मान्यता देना भी हमारा फर्ज है। इसके लिए मैं इसकी ताईद करता हूं, मैं इसका समर्थन करता हूं कि इनकी भी यूनियनें होनी चाहिए।

उपसभापति महोदय, मैं इसमें अंतिम बात कहना चाहता हूं कि इनके कम्पनसेशन की कोई व्यवस्था इस कानून में होनी चाहिए। कई जगह पर ये लोग जख्मी हो जाते हैं, इन्हें चोटें लग जाती हैं, कई जगह सिक्योरिटी के लोगों के साथ मारपीट भी होती है, कई बैंकों में जो प्राईवेट सिक्योरिटी वाले थे, उनकी जानें भी गई हैं। उपसभापति महोदय, इनको हवा में छोड़ देना, इनके लिए कोई कानून न बनाना, यह बात ठीक नहीं होगी। इसलिए इसमें कोई न कोई प्रावधान आप करिये, ताकि जो कानून आपने लिखे हैं, उनमें वर्कर्स कम्पनसेशन को जोड़कर या जो आप उचित समझते हैं, उसको जोड़कर के इनकी सेवाओं को नियमित करना चाहिए।

उपसभापति महोदय, जो आदमी सिक्योरिटी लेता है, उसकी स्वतंत्रता का भी इसमें ध्यान रखा जाना चाहिए। ....(समय की घंटी)... अगर मैंने कोई सिक्योरिटी गार्ड लिया है, तो उसको बदलवाने का मुझको अधिकार होना चाहिए। अगर वह ठीक नहीं है, तो मुझे उस सिक्योरिटी एजेंसी वाले से कहना चाहिए कि मुझे दूसरा सिक्योरिटी गार्ड दो और उसको यह बात माननी चाहिए। जो सिक्योरिटी एजेंसी की सेवाएं लेता है, उस सेवा लेने वाले के भी थोड़े अधिकार होने चाहिए। उसके अधिकारों की, उसके परिवार के अधिकारों की भी रक्षा करनी चाहिए। महोदय, सिक्योरिटी एजेंसीज़ के साथ गुप्तचर एजेंसीज़ भी खुल गयी हैं जो बड़े शहरों में काम कर रही हैं। उनके बारे में अभी तक कोई कानून नहीं बना। मान्यवर, अगर उनके लिए भी कोई कानून आ जाए तो ज्यादा बेहतर होगा। इन्हीं शब्दों के साथ मैं आपको धन्यवाद देते हुए अपनी बात समाप्त करता हूं। धन्यवाद।

प्रो॰ राम देव भंडारी (बिहार): माननीय उपसभापति जी, माननीय सदस्यों ने तकरीबन सभी बिन्दुओं पर अपने विचार रखे हैं। मैं अपनी पार्टी की ओर से बिल का समर्थन करता हूं। साथ ही

माननीय गृह मंत्री जी को धन्यवाद देता हूं कि देखने में भले ही यह बिल बहुत बड़ा बिल नहीं लगता हो, मगर इस बिल का अपने आपमें बहुत ही महत्व है। चाहे बड़ा शहर हो या छोटा शहर हो, आज सैकड़ों की संख्या में प्राइवेट सिक्योरिटी एजेंसीज़ चलती हैं। इसका कारण भी है कि सरकार उतने पुलिस फोर्स की व्यवस्था नहीं कर सकती है। हम जहां भी जाएं, Business Establishments में जाएं, हॉस्पिटल्स में जाएं, शिक्षण संस्थाओं में जाएं, प्राइवेट शॉप्स या सिनेमाघरों में जाएं, आज हर जगह वर्दी में प्राइवेट सिक्योरिटी एजेंसी के लोग दिखाई पड़ते हैं। महोदय, अनएम्प्लॉयमेंट की जो स्थिति है, इस एजेंसी में जो काम करने वाले लोग हैं, उन्हें अगर आप जानना चाहेंगे, उनकी क्वालिफिकेशन जानना चाहेंगे तो वे ग्रेजुएट होते हैं, पोस्ट ग्रेजुएट होते हैं। चूंकि उन्हें नौकरी नहीं मिलती है इसलिए वे जीवन यापन के लिए उस एजेंसी में काम करते हैं लेकिन अगर आप उनकी सैलरी के बारे में पता करेंगे, उनकी सुविधाओं के बारे में पता करेंगे तो कहने के लिए तो तीन हजार सैलरी होती है मगर उसमें से, जो एजेंसी वाले होते हैं, वे उसका एक अच्छा हिस्सा काट लेते हैं और डेढ़ हजार, दो हजार के आस-पास उनको दिया जाता है। इसका रेग्यूलेशन अत्यंत आवश्यक था क्योंकि जिस तरह से उसमें काम करने वाले लोगों का शोषण हो रहा था, उस हिसाब से इसका रेग्युलराइज़ेशन बहुत ही जरूरी था। महोदय, कानून बन जाए, बहुत अच्छी बात है मगर कानून का कार्यान्वयन भी हो, उसके लिए भी व्यवस्था होनी चाहिए। इन्होंने एक क्लॉज़-16 इस बिल में रखी है जिसमें इन एजेंसीज़ की निगरानी के लिए एक अफसर की आवश्यकता महसूस की गयी है। मैं अपने पूर्व के माननीय सांसद को सुन रहा था। धवन साहब कह रहे थे कि ढाई सौ से अधिक एजेंसीज़ सिर्फ दिल्ली में हैं। इतनी एजेंसीज़ की निगरानी करना, वे कानून के अनुसार काम कर रही हैं या नहीं कर रही हैं, उसके लिए भी पूरी टीम की जरूरत पड़ेगी जो शिकायतें आएंगी, उन शिकायतों को देखना और फिर उसके हिसाब से कार्यवाही करना - हम समझते हैं कि ज्वाइंट सेक्रेटरी के लैवल अफसर के लिए माननीय सदस्यों ने कहा है, वह टीम होनी चाहिए। दूसरी बात है कि एजेंसीज़ में जो लोग भर्ती होंगे, उनके बैकग्राउंड का भी पता होना चाहिए। कभी-कभी किसी एक क्षेत्र में क्राइम करके, किसी दूसरे शहर में आ जाते हैं और सिक्योरिटी एजेंसी जैसी संस्थाओं में भर्ती हो जाते हैं। अगर उनकी बैकग्राउण्ड नहीं देखेंगे तो हम उनसे बहुत अच्छी उम्मीद नहीं कर सकते। उनका जो बैकग्राउण्ड है, उस बैकग्राउण्ड को लेकर अगर वे काम करने जाएंगे, तो हो सकता है कि उनकी जो क्रिमिनल एक्टिविटी हो, जो बैकग्राउण्ड है, उसकी वजह से ठीक से न कर पाएं, इसलिए इसे भी अच्छी तरह से देखना चाहिए। इस बिल में उनके भविष्य की भी चिंता होनी चाहिए। जब हम कानून से उसे रेग्युलेट करने जा रहे हैं, तो उनके स्वास्थ्य की भी हमें चिंता होनी चाहिए। अगर किसी प्रकार की दुर्घटना हो जाती है, तो सुरक्षा का प्रबंध होना चाहिए। अभी क्या हो रहा है, किसी एजेंसी में काम कर रहे हैं, अगर कोई दुर्घटना हो जाती है तो एजेंसी वाले उनका कोई ख्याल नहीं रखते, उन्हें उनके हाल पर छोड़ देते हैं। अगर इस प्रकार से कोई दुर्घटना हो जाए तो उसकी व्यवस्था करें। अगर वह घायल हो जाए तो उसे हॉस्पिटल में भर्ती कराने, उसका इलाज कराने

तथा इस बीच उसका जो नुकसान हुआ, उसके परिवार को कुछ नहीं मिला, इस सबकी व्यवस्था भी होनी चाहिए। महोदय, जिस प्रकार से असुरक्षा की भावना बढ़ रही है, अपराध भी बढ़ रहे हैं, जितनी आवश्यकता है, हम उतनी पुलिस फोर्स की व्यवस्था नहीं कर सकते, ऐसी स्थिति में इस तरह की एजेंसीज का महत्व बहुत बढ़ गया है। इन लोगों पर सुरक्षा का दारोमदार होगा। घरों में भी हम इन एजेंसीज के लोगों को रखते हैं, इसलिए इनकी पूरी तरह से जांच करके, उनकी बैकग्राउण्ड को देखकर, एजेंसी में नियुक्ति होनी चाहिए। साथ ही उनका शोषण, एक्सप्लोएटेशन न हो, इसका भी ध्यान रखना चाहिए। अगर एक्सप्लोएटेशन होता है, तो उन्हें लड़ने का भी हक मिलना चाहिए। अगर वे अपनी यूनियन बनाते हैं, सिर्फ लड़ने के लिए ही नहीं, अपने हक को प्राप्त करने के लिए, तो इसका भी उन्हें अधिकार मिलना चाहिए। महोदय, यह बहुत ही महत्वपूर्ण बिल है, मैं एक बार फिर से माननीय गृह मंत्री जी को धन्यवाद देते हुए अपनी बात समाप्त करता हूं। धन्यवाद।

श्री विजय जे. दर्डा (महाराष्ट्र): धन्यवाद, मैं सर्वप्रथम आदरणीय गृह मंत्री जी को धन्यवाद देना चाहूंगा कि आप एक लंबे अरसे से प्रतीक्षित और आवश्यक प्राइवेट सिक्योरिटी एजेंसीज रेग्युलेरेशन बिल, 2005 लाए हैं। मैं इस बिल के समर्थन में बोलने के लिए यहां पर खड़ा हुआ हूं। सर, आज देश के अंदर इसकी कितनी आवश्यकता है, इसे नकारा नहीं जा सकता। सभी माननीय सदस्यों ने इस पर अपने विचार आपके समक्ष प्रकट किए हैं। सर्वप्रथम इस देश के अंदर प्राइवेट सिक्योरिटी व्यवस्था, हमारे पूर्व प्रधानमंत्री, श्री मोरारजी भाई देसाई अहमदाबाद के अंदर लाए थे। वहां पर उन्होंने जो कॉलोनीज बनाई थीं, उन कॉलोनीज में उन्होंने एक ही दरवाजा रखा था, उस दरवाजे पर प्राइवेट सिक्योरिटी गार्ड को बिठाया था। तब से यह चीज चलन में आई है और उसके बाद जैसे-जैसे इसकी आवश्यकता बढ़ती गई, वैसे-वैसे इसका प्रयोग इस देश में होने लगा। आज हम देखते हैं कि छोटे-छोटे गांवों में भी, यहां उल्लेख किया गया है कि करीब पांच हजार सिक्योरिटी एजेंसीज इस देश के अंदर कार्यरत् हैं।

महोदय, एक सर्वेक्षण बताता है कि इस देश के अंदर करीब-करीब 20 हजार से अधिक सिक्योरिटी एजेंसीज़ काम कर रही हैं और इस काम में छोटे-छोटे लोग शामिल हैं, जो बेरोजगार नौजवान हैं, पढ़े-लिखे हैं, वे साईकिल स्टैंड पर, कार पार्किंग पर, सिनेमाघरों के बाहर, रेलवे स्टेशन पर, बस अड्डों पर, जहां पर भी ऐसे सार्वजनिक कार्यक्रम होते हैं, चाहे वे पोलिटिकल पार्टियों की सभाएं हों, या अन्य सार्वजनिक कार्यक्रम सिक्युरिटी गार्डस् वहां पर ये उपयोग में लाए जाते हैं और काम करते हैं, किन्तु कहीं पर भी इन लोगों को प्रोटेक्शन नहीं मिलता है और न ही इन्हें किसी प्रकार से जिस काम के लिए रखा जाता है रक्षा करने का ज्ञान है। इन्हें सिर्फ युनिफॉर्म पहना कर

खड़ा कर दिया जाता है। मैं चाहूंगा कि इस बिल के अंदर इस बात का प्रावधान होना चाहिए कि जिन सिक्योरिटी एजेंसीज़ को हम लाइसेंस देते हैं, वे जिन गार्ड्ज़ को भर्ती करें, वे प्रशिक्षित हों और सिर्फ प्रशिक्षित ही न हों, साथ ही साथ उन्हें भी अपनी सिक्योरिटी कैसे करनी चाहिए इसका ज्ञान होना चाहिए पूरा इंतजाम हो। जैसा कि यहां पर कहा गया है, कुछ माननीय सदस्यों ने कहा है कि वहां पर आरक्षण की आवश्यकता है, मैं यह कहना चाहता हूं कि उन्हें किस प्रकार से काम करना चाहिए, यह हमें उन लोगों पर ही छोड़ देना चाहिए, क्योंकि जो प्राइवेट एजेंसियों को जो उनको काम देगी, जो उनको रखेगी, वह इन सब चीजों को देखेगी कि किस प्रकार से काम हो रहा है।

उपसभापति महोदय, मैं निश्चित रूप से इस बात पर जोर देना चाहूंगा कि जो बेरोजगार नवयुवक हैं, उनको निश्चित रूप से इसका बड़े पैमाने पर लाभ मिलेगा। अब हमारे देश के अंदर विदेशी कंपनियां भी आ रही हैं, निश्चित रूप से अगर वे नयी टेक्नोलॉजी और अन्य चीजें लेकर आते हैं, तो हमें उनका स्वागत करना चाहिए, लेकिन काम करते समय एक बात का ध्यान रखा जाना जरूरी है कि उनका जो cap 49 परसेंट का है, वह उससे अधिक न हो, ताकि देशी सिक्युरिटी एजेंसी तकलीफ में न आ जाएं। सरकार ने इस बात की पूरी व्यवस्था रखी है कि उन्हें minimum wages मिलें, ESI मिले, Provident Fund आदि मिले, किन्तु इसी के साथ यह देखना बहुत आवश्यक है कि उन लोगों को जो वेतन मिलनी तय हुआ है, वह राशि मिलने की पूरी व्यवस्था होनी चाहिए और इसलिए अगर चैक से पेमेंट करने का प्रावधान हो, तो शायद एजेंसियों पर प्रेशर रहेगा। ऐसा नहीं है कि चैक से पेमेंट करने के बाद इसके अंदर गड़बड़ियां नहीं होंगी? यह भी फुल प्रूफ व्यवस्था नहीं हैं-गड़बड़ियां उसमें भी होंगी गार्ड से कैश वापस ले लिया जायेगा, अगर इसके लिए विशेष व्यवस्था की जाए, तो मुझे लगता है कि निश्चित रूप से इन गड़बड़ियों में कमी आएगी।

उपसभापति जी, इसके साथ ही मैं दो बातों की ओर आपका ध्यान आकर्षित करना चाहूगां। हमारे यहां डिटेक्टिव एजेंसीज़ का प्रचलन दिन-ब-दिन बढ़ता जा रहा है और ये जो डिटेक्टिव एजेंसीज़ हैं, उनको भी इस ऐक्ट के अंतर्गत लाना चाहिए। हम लोग दिन-ब-दिन डिटेक्टिव एजेंसियों का काफी उपयोग कर रहे हैं। मैं यह भी कहना चाहूंगा कि जिस सिक्योरिटी एजेंसी को हम लोग काम देते हैं, वह सिक्योरिटी एजेंसी अगर किसी मोहल्ले में काम करती है, किसी Area में काम करती है, तो वहां का जो पुलिस स्टेशन है, उससे उसे जोड़ने की व्यवस्था कर दी जाए, तो अच्छा रहेगा। वे आज नयी टेक्नोलॉजी का उपयोग कर रहे हैं। वे जिस Area के अंदर काम कर रहे हैं, अगर उनका डॉयरेक्ट संबंध वहां के पुलिस स्टेशन से हो , फॉयर ब्रिगेड से हो, तो एमरजेंसी में पहला कॉल उस पुलिस स्टेशन या फॉयर ब्रिगेड को दिया जा सकता है, जैसे कि विदेशों में व्यवस्था है। अगर इस प्रकार की व्यवस्था हमारे यहां होगी तो निश्चित रूप से हम लोगों को उसका फायदा मिलेगा। सर, तीसरी बात मैं यह कहना चाहूंगा कि इसमें एज लिमिट पर भी विचार किया जाना चाहिए। उसके अन्दर ज्यादा-से-ज्यादा नौजवान लोग हों, इसके ऊपर एक्ट में और भी ध्यान देने

की आवश्यकता है, ऐसा मुझे लगता है। आपने दखल के लिए ज्वाइंट सेक्रेटरी लेवल के स्टेट के अधिकारी की व्यवस्था की है। मैं चाहूंगा कि उसके जगह पर अगर राज्य मंत्री के स्तर पर अधिकार दिए जाएं, तो वे अधिक सुसंगत होंगे, जो उनसे आदेश ले कर काम कर सकेंगे।

मैं अधिक समय नहीं लेना चाहूंगा, क्योंकि धवन साहब और अन्य वक्ताओं ने इस बिल के ऊपर अधिक डिटेल में चर्चा की है, मैंने विस्तार के साथ चर्चा नहीं की है, मैंने आपके समक्ष 3-4 मुद्दे रखे हैं। मैं एक बार फिर से आपका मन से अभिनन्दन करता हूं कि बहुत लम्बे अरसे से इस बात को अपनाया, वह आपने लाया। इसके लिए मैं आपको धन्यवाद देता हूं, केन्द्र सरकार को धन्यवाद देता हूं।

श्री उपसभापति: सिर्फ एक मिनट। केवल क्लेरिफिकेशन पूछिए।

श्री मंगनी लाल मंडल (बिहार): उपसभापति महोदय, मैं एक मिनट में ही अपनी बात समाप्त करूंगा। मैं माननीय गृह मंत्री जी का ध्यान आकृष्ट करना चाहता हूं कि यह जो प्राइवेट सुरक्षा अभिकरण (विनियमन) विधेयक है, इस अभिकरण के अंतर्गत एजेंसी में जो नौजवान, जो व्यक्ति लिए जाएंगे, उनकी योग्यता के बारे में स्पष्ट प्रावधान किया गया है। सारे प्रोविजंस किए गए हैं, लेकिन जहां शोषण होगा, सिर्फ शोषण की ओर मैं आपका ध्यान आकृष्ट करना चाहता हूं कि जो विधेयकों का शैडयूल है, अनुसूची है, उसमें 9 विभिन्न कानूनों का उल्लेख किया गया है कि यह कानून जहां-जहां, जिस राज्य में जिस प्रकार अलग-अलग है, उस प्रकार उसका समाधान होगा। जैसे मिनिमम वेजेज एक्ट है, सभी राज्यों का अलग-अलग कानून है, लेकिन इंडस्ट्रियल डिस्प्यूट एक्ट एक है। अलग-अलग राज्यों में जो अभिकरण होंगे, अभिकरण की जो अनुज्ञप्ति मिलेगी, लाइसेंस मिलेगा, उसके अनुसार जो नियुक्ति होगी लेकिन अगर इस एक्ट में एक प्रावधान नहीं होगा तो मैं माननीय मंत्री जी से अनुरोध करना चाहूंगा कि इसके लिए जो रूल्स बनेंगे, रूल्स में इसका प्रोविजन होना चाहिएं कि एक कंस्टेबल की जितनी मंथली तन्ख्वाह तय है, एक सिपाही का जो वेतन एक माह में तय है, उस राज्य में जो वेतन मिलता है, उससे किसी कर्मचारी का वेतन कम नहीं मिलना चाहिए। नहीं तो कोई आदमी जो एक हजार में काम करेगा और दो हजार, जिनके यहां वह प्रतिनियुक्त होगा, उससे वसूली करेगा, तो एक हजार में किसी का पेट नहीं चलता, परिवार का भरन-पोषण नहीं होता है।

हम लोगों ने भी देखा है कि इस कानून से सरकार के हाथ में शक्ति आएगी और इस कानून से गलत आदमी की उसमें नियुक्ति नहीं होगी, प्रतिनियुक्ति नहीं होगी। लेकिन इस कानून से जो नौजवान बेकार हैं, जिनके बारे में अभी कहा गया कि उनको काम मिलेगा, काम तो उन्हें अभी भी मिल रहा है, यद्यपि प्राइवेट एजेंसी कुकुरमुत्ते की तरह उग आए हैं, लेकिन उन नौजवानों का जो

शोषण हो रहा है, वह शोषण नहीं रूकेगा बल्कि इस कानून से शोषण की गारंटी होगी। इसलिए मैं माननीय गृह मंत्री जी से इस बारे में अनुरोध करना चाहता हूँ कि जो रूल्स बनेंगे, रूल्स में उनके वेतन की गारंटी के बारे में उल्लेख हो, प्रावधान हो, नहीं तो कोई गरीब आदमी इंडस्ट्रियल डिस्प्यूट एक्ट को लेकर अदालत नहीं जा सकता है, जो एक हजार में इसके तहत नौकरी करेगा। बहुत-बहुत धन्यबाद।

श्री उपसभापति: नहीं, आपने कह दिया है।

श्री विजय जे. दर्डा: सर, मैं एक चीज बताना चाह रहा हूँ कि कंविक्टेड का जो मुद्दा था कि कंविक्टेड लोगों को जॉब में नहीं रखना चाहिए, मेरा इसके बारे में अलग विचार यह है जो कंविक्टेड लोग हैं, अगर वह नौजवान है और फिर से उस मेनस्ट्रिम में आना चाहता है, तो निश्चित रूप से उसको भी काम में लेने का अधिकार हो। सर, इस प्रकार से हम लोगों ने एक प्रयोग किया है और हमारा अनुभव अच्छा रहा है।

श्री उपसभापति: यह ठीक नहीं है।

श्री विजय जे. दर्डा: सर, यह मेरा मुद्दा है।

श्री उपसभापति: नहीं, You have already taken your chance. आप बाद में क्लेरिफिकेशन पूछ सकते हैं।

SHRI SHIVRAJ V. PATIL: Sir, I would like to thank the hon. Members for the support they have given to this Bill. This Bill was also introduced in the House in 1994 for the first time. Then, it was withdrawn. It was referred to the Standing Committee. Again, it was introduced; then again, it was withdrawn. And ultimately, now Sir, this is before us.

[MR. CHAIRMAN *in the Chair*]

I am very happy that we are likely to pass this Bill in this House and may be in Lok Sabha also, in this session. Many good points have been made. We will consider these good points while using this Bill, while implementing or enforcing this Bill. Under this law, we have to make rules also. While making rules, many points which have been made by the hon. Members will also be borne in mind so that what they have expressed

here, are reflected in the laws that will be used in this respect. Sir, the first point, which was made by the first speaker, was about the job security of the security guards. It is exactly for this purpose we have mentioned in the Schedule some of the laws which are useful in this respect. The laws which are mentioned in the Schedule give the protection to the security guards who would be employed by these agencies. The Payment of Wages Act, 1936, the Industrial Disputes Act, 1947, The Minimum Wages Act, 1948, the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, the Payment of Bonus Act, 1965, the Contract Labour (Regulation and Abolition) Act, 1970, The Payment of Gratuity Act, 1972, The Equal Remuneration Act, 1976 and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. All these laws are going to provide security to the security guards. So, there should be no apprehension on this point. However, the first speaker mentioned that why should we not have the Workmen's Compensation Act in this Schedule. It seems that this suggestion is a very valid suggestion, and I am inclined to say that it should be mentioned in the Schedule. The law provides that this Schedule can be changed by the Government, and it is not necessary to introduce one or two laws in this Schedule to come to the Legislature for that purpose. So, the Government is given that authority, and under that authority, we will examine it, and I think, it should be there. I would like to get it examined and introduce it so that the compensation is available to the security guards.

Sir, the second point which was made was about the compensation and all those things. This point was made by many Members. If the Workmen's Compensation Act is there, under that Act, the compensation can be given to the security guards who may suffer while discharging their difficult duties.

The third point related to clause No. 13, and it was said: why do you make this clause so stringent? I think, this clause should be made stringnt because, if you have to cancel the licence which is given to the agency, it should not be lightly done, and I think, this clause gives the grounds on which the licence can be cancelled. I do think that this clause

should be allowed to remain as it is. One of the hon. Members said that the fees you are going to charge for giving a licence is too small, too meagre At this point of time, I would like to say that let this amount of money be there, and if it is found that this is too small an amount, we can take a decision about it later on.

One of the Members wanted to know whether this law will be applicable to the agencies or to the individuals also. This law is going to be applicable to the agencies and not to the individuals. If any individual is wanting to provide security to anybody, and the person to whom the security is to be provided, is willing to take him as his guard, there is going to be no difficulty. There is no law which says that one person should not protect the life or the limb or the property of any other person. But if there is going to be an agency, consisting of many persons having weapons and things like that, and providing the security to the other individuals, that agency should be guided by certain rules and certain principles. And if that agency is not fulfilling those conditions, that agency will not be allowed to carry on that kind of duty. So, there is no difficulty is allowing any individual to provide security to anyone else.

One question was raised, and it was a right question, that there can come up proxy agencies. One individual can take a licence and another individual can run that agency. The individual who can be given the licence will make the application, will get the licence, but the individual who cannot make the application and cannot get the licence may run that agency. What happes if this kind of eventuality arises? This is exactly why we have provided that if any agency is working not according to this law, and other laws but contary to the laws, the licence given to the agency can be cancelled. It it is found out that the person who has received the licence is not running the agency, that licence can be cancelled. That person should not have been given the licence for running the agency, Once this fact comes to the notice of the Controlling Authority, the Controlling Authority can take action against him.

About the cancellation of licences, well, there are grounds given here and the licences can be given in certain circumstances. The kind of provision

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is required. Once the licence is given, and if it is not used for proper purposes, in a proper manner, in a legal manner, there is no point in allowing that agency to continue. Its licence has to be cancelled. And it is provided in what situations, in what conditions the licence can be cancelled. I think this is a very salutary provision, and this is required.

A question was asked what kind of training would be given to the persons who were going to provide the security. Well, the training which will be provided to the security guards will be the kind of training which has to be given to the persons who use the arms and who provide the security and who have been working with the police and other agencies. They will lay down the rules and the regulations, and the procedure which has to be followed by the agencies for training their guards, and those rules and those procedures have to be followed by the agency. And if they are not followed by the agencies, the person who is taking the security guard will object it. The physical fitness and the training, these are two important things. The guard has to be physically fit. He has to be properly trained. We are going to ask the expert agencies to provide him the kind of training which should be given to these guards, and what kind of training should be provided to him. And there shall be no difficulty in this regard.

One of the most important suggestions made by one or two Members here related to the law to regulate the detective agencies. This is the law which is being framed to regulate the security agencies. It is suggested that let us have a law to regulate the detective agencies also. I think it is a very good suggestion, and, may I say on the floor of the House, we will look into it, and, maybe, very soon, we will come to this House with a bill for this purpose. It is a very good suggestion. One of the questions asked is: Will the security guards be allowed to carry the weapons with them? This Bill is silent on this point. This Bill doesn't say that the security guards will be allowed to carry weapons and all that. But those who carry the weapons with them are controlled and guided by the provisions in the Arms Act and other laws also. The provisions in those Acts will be applicable to the security guards also. The Arms Act and other laws, the Indian Penal Code, etc., also provides that a person can act in his self-defence. If he is attacked, he can use the weapon that is available with him. In order to protect other persons also he can use it. It is provided in the Indian Penal Code. The Arms Act also provides that anybody wanting to have an arm for

himself has to convince the authority given the licence that he requires it for his self-defence or for protecting someone else. So, these general provisions will be applicable with respect to the arms.

An objection has been taken to the provisions relating to the entry of the controlling authority into the office of the agency to inspect the records and find out whether the work that is being done by that agency is properly done or not. Well, I wouldn't say that this is not required. I would say that something of this kind is required. Suppose there is an agency and that agency is likely to use this licence to have the security guards with weapons and the group of security guards are used for purposes which are not acceptable or which are not legal, and the controlling authority wants to know what is being done, he should be allowed to enter into the office of the agency. The wording given in this Bill can cause some misapprehensions in the minds of the persons who will be carrying on this kind of activity. I am not promising or I am not assuring, but I will certainly look into this aspect.

Another aspect of this Bill was projected by one of the hon. Members from Maharashtra. He was trying to say, "Are you going to examine the antecedents of the security guards and the agency providing the security cover? Would you not like to find out the antecedents of the protect also? If there is a person who is involved in all kinds of nefarious activities and he wants to be protected by the bodyguards and he is taking the assistance of the agency, will you allow him to get that kinds of protection?". Well, probably, in a way, he was trying to suggest that if anybody is in the process of developing a private army, a private group of persons, to carry on some unacceptable nefarious activities, what would I do? If somebody wants to develop caste armies or private armies under this law, what would I do? Sir, I would like to say that this kind of misapprehension is not misplaced. Yet, I would like to say that this Bill is being framed with the intention of seeing that the private persons should get the protection from the persons whose antecedents are examined by the Government and who are not likely to misuse the opportunity which is given to them to protect the person or property or the limb of the protected. It is not there to provide for all the contingencies. There are other laws which can take care of it. If anybody is trying to build a private army, or if there is a person who is employing bodyguards and with the help of the bodyguards, he is trying to terrorise others or trying to exploit the situation that prevails

around his house or around his place of profession or anywhere else, other laws can take care of it. The Indian Penal Code,the CrPC and other special laws can also take care of it. The apprehension expressed by the hon. Members can prove to be correct in some cases. It would be necessary for the Government to see to it that the permission given under this law is not misused. If anybody is misusing the permission given or the license given, other laws should be used to control that kind of activity. I can say only this much about it. There are no other very valid points which have been made. I must say that Shri Dhawan was very, very careful in making his points on different clauses. It would take very long time for me to explain all these points. Some points are really very valid. In the case of some of his points, I am really in a position to explain as to how this law is not going to create any problem for anybody who would be using it. I would not like to take any more time of the House. There is one more topic which is equally important which we have to take up. If any hon. Member has any doubt about this law, I will, personally, discuss this issue with him. There may be many other points. This is the first law of its own kind. We will experiment with it and whenever it is felt necessary to modify this law. it should not be difficult for us to modify this law. There are misapprehensions on some points. But some points are very valid. They can be taken care of by using other laws. On some points, I am also not very clear whether what is being said is correct or not. I will discuss it with them and then try to come back against at a proper time, after experimenting with this law. Now I request the House to pass this law passed.

SHRI R.K. DHAWAN: Sir, I want to seek a clarification only one point. The rest of the points I will discuss with him. There is a provision that if the security guard finds that any law is being violated by the employer, he would straightway go to the police. I would like to get enlightened on this point. Supposing, I employ a security guard. He would become a super watchdog on me. How would he know whether a law was being vilated or not?

SHRI PENUMALLI MADHU: Sir, I want to seek a clarification.

MR. CHAIRMAN: You have already spoken on this matter. Please take your seat.

SHRI V. NARAYANASAMY: Sir, the hon. Minister has referred to the competent authority and the supervisory authority. Some of the hon.

Members were apprehensive about the level of Joint Secretary. Actually, the competent authority or the supervisory authority should be of a higher rank. He should be of the rank of a Secretary or an Additional Secretary, not of a Joint Secretary rank.

SHRI PENUMALLI MADHU: Sir, I want to seek a clarification.

MR. CHAIRMAN: I am not allowing. (*Interruptions*). Please take your seat. The question is:—

"That the Bill to provide for regulation of private security agencies and for matters connected therewith or incidental thereto, to be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clause 2 to 25 and the Schedule were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI SHIVRAJ V. PATIL: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

SHORT DURATION DISCUSSION

On the Report of the V.S. Malimath Committee on Reforms of Criminal Justice System

SHRI JAIRAM RAMESH (Andhra Pradesh): Mr. Chairman, Sir, this is a Short Duration Discussion on the report of the Malimath Committee on reforms of cirminal justice system, and I propose to be, well, truly short. Sir, nominated Members often feel left out of discussions, squeezed between major political parties. We have a very distinguished legal personality amongst us today, who is nominated Member. With your permission, Sir, and with the permission of my chief Whip, I forego my right to initiate the discussion and hand it over to Mr. Fali S. Nariman.